



FY 2015 Performance Accountability Report Attorney General, Office of the

INTRODUCTION

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

MISSION

The Office of the Attorney General (OAG) is the Chief Legal Office of the District of Columbia. OAG's mission is to provide the District government with the highest level of legal advice and service, and to defend and protect the District's interest in court. In addition, the OAG is charged with enforcing the laws of the District and doing so in a manner that is in the public's interest.

SUMMARY OF SERVICES

OAG is charged with conducting the District's legal business. OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District's behalf, and represents the District in a variety of administrative hearings and other proceedings. OAG reviews land dispositions for legal sufficiency to ensure the legal soundness of the government's actions, provides legal and litigation support in procurement, tax and finance, bankruptcy, land use and public works. OAG also takes legal action to protect children, seniors, developmentally disabled adults and other vulnerable populations and promotes the public interest for consumers and taxpayers. In addition, OAG is responsible for advising the Executive Office of the Mayor, the D.C. Council, the D.C. Courts, various Boards and Commissions, and reviewing legislation and regulations. All told, the Attorney General supervises the legal work of about 277.5 attorneys and an additional 314.9 administrative/professional staff.

OVERVIEW – AGENCY PERFORMANCE

The following section provides a summary of OAG's performance in FY 2015 by listing OAG's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

TOP THREE ACCOMPLISHMENTS

The top three accomplishments of OAG in FY 2015 are as follows:

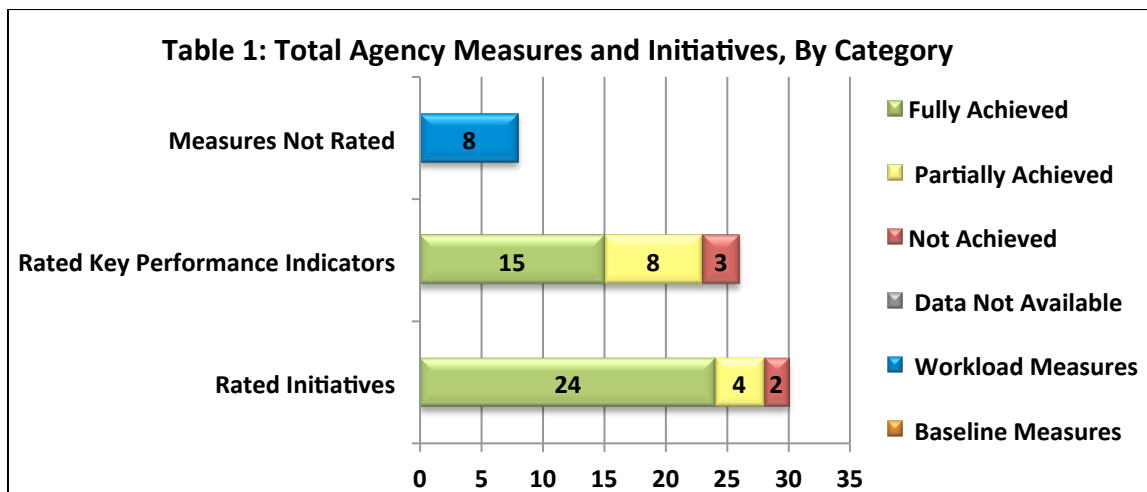
- Effectuating the voters' decision of an elected chief legal officer for the District by standing up an independent Office of the Attorney General to conduct the city's law business and provide independent and objective legal advice to District agencies, the Mayor, and the Council of the District of Columbia, establishing a newly outward-facing role for OAG with a robust community-outreach program, and working collaboratively on multiple issues with other District government officials and agencies.

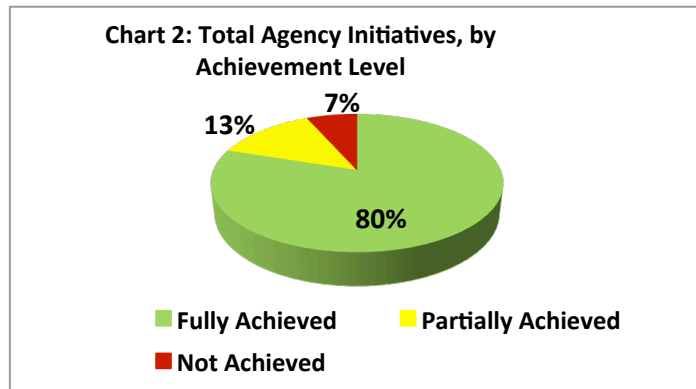
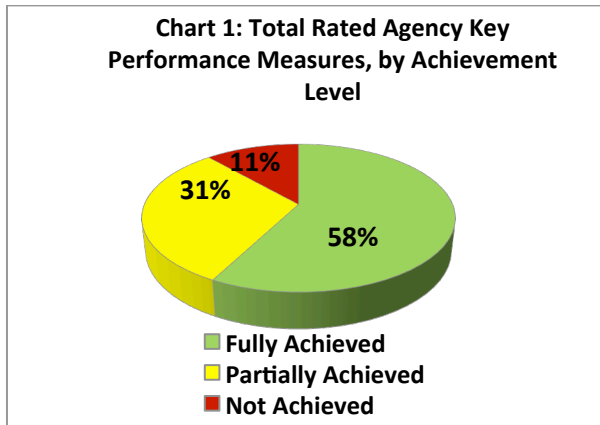


- \$104.9 million in recoveries for the District through multiple settlements and judgments (including \$21.5 million from the Standard & Poor’s settlement, \$72 million in compensation for back taxes from online travel companies, and \$9.1 million in a false-claims lawsuit against a food-service company that contracted with D.C. Public Schools).
- Major reforms to the District’s juvenile-justice system, including a six-fold increase in the rate at which we divert low-risk youth to programs designed to provide them the wraparound support and services they need to avoid re-offending; (87 % of youth who have completed these programs have not been rearrested); ending the blanket practice of shackling juvenile defenders; and piloting a restorative juvenile justice model in D.C. Public Schools to reduce the school to prison pipeline.

SUMMARY OF PROGRESS TOWARD COMPLETING FY 2015 INITIATIVES AND PROGRESS ON KEY PERFORMANCE INDICATORS

Table 1 (see below) shows the overall progress the OAG made on completing its initiatives, and how overall progress is being made on achieving the agency’s objectives, as measured by their key performance indicators.





In FY 2015, OAG fully achieved eighty percent of its rated initiatives nearly sixty percent of its rated key performance indicators. **Table 1** provides a breakdown of the total number of performance metrics OAG uses, including key performance indicators and workload measures, initiatives, and whether or not some of those items were achieved, partially achieved or not achieved. **Chart 1** displays the overall progress being made on achieving OAG objectives, as measured by their rated key performance indicators. Please note that chart 2 contains only rated performance measures. Rated performance measures do not include measures where data is not available, workload measures or baseline measures. **Chart 2** displays the overall progress OAG made on completing its initiatives, by level of achievement.

The next sections provide greater detail on the specific metrics and initiatives for OAG in FY 2015.

PERFORMANCE INITIATIVES – ASSESSMENT DETAILS

Agency Management

OBJECTIVE 1: The objective of the Agency Management Division is to guide and support the legal divisions of the office.

INITIATIVE 1.1: Ensure that litigating divisions receive regular oversight and guidance on high-profile matters that could potentially affect the District of Columbia Government or city residents fiscally, politically, or from a policy standpoint, following the agency counsel transition.

To improve the likelihood of a favorable outcome in high-profile matters, the Immediate Office will maintain regular communication with the litigating divisions of the OAG to discuss any high-profile matters that may impact the District of Columbia Government and its residents and devise strategies to ensure a successful outcome or mitigate risk. This is coordinated, in part, after October 1, 2014 when agency counsel report to their respective agencies, by establishing new litigation support relationships, by working closely with the newly created Mayor’s Office of Legal Counsel and by preparing for the first elected Attorney General in a manner that allows he/she to assume these responsibilities without disruption.

Completion date: September 30, 2015.



- **Performance Assessment Key: Fully Achieved.** The Immediate Office met with and directly supervised litigating divisions bi-weekly or more often as needed on high-profile matters and critical cases and was therefore fully engaged on the status of matters having a potential impact on the residents of the District and the municipal government.

INITIATIVE 1.2: Implement a log system capturing the types of communications received through the Internet Quorum.

Constituents send daily e-mail inquiries to the Attorney General that fall within the purview of another agency. After agency counsels were transferred to their assigned agencies in FY 15, the Customer Service Unit will review and categorize all e-mails in order to properly route the e-mail inquiries. This information will enable the Customer Service Unit to timely disseminate e-mails to appropriate OAG divisions and other agencies.

Completion date: September 30, 2015.

- **Performance Assessment Key: Fully Achieved.** The Customer Service Unit met and exceeded this initiative. In every quarter of FY 2015, Customer Service delivered mail to the intended recipient on the same day it was received. The average number of mailings OAG received each month exceeded 100.

INITIATIVE 1.3: Provide training to investigators on service of process in specialized subject matter.

In FY 15, OAG will have a larger role in preventing truancy in the District of Columbia. To increase the likelihood of success at trial, the Investigations Section will ensure that all investigators receive training on the service of process in specialized subject matter such as truancy. The training will include information on the limits of their authority and the use of information technology and other tools to increase the likelihood of locating a witness. The success of the initiative will be measured by the number of successful services.

Completion date: September 30, 2015.

- **Performance Assessment Key: Fully Achieved.** In FY 2015, OAG's investigators served an average of 300 summonses and subpoenas each month with a success rate of better than 90%. OAG's investigators all received training, which enhanced their use of information technology and creative and alternative services techniques. This contributed to the investigators' high percentage of successful services, thereby enabling attorneys to better perform their legal functions.

KEY PERFORMANCE INDICATORS– Agency Management



	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
●		Number of case/matter review meetings with senior staff	83	12		48	400 %	Office of Attorney General
●		%age of US Mail processed within one business day	100	93		100 %	100%	Support Services Division

Child Support Services Division

OBJECTIVE 1: Provide child support services to enhance the lives of all District children.

INITIATIVE 1.1: Implement Child Support Lien Network in FY2015.

CSSD will implement a program designed to increase collections by partnering with the Child Support Lien Network so that it can collect child support payments on cases with arrears from insurance and worker’s compensation settlements. Over 30 states are part of the network already and have been successful in collecting child support through putting liens on settlements. For this project to launch CSSD will write policy and procedures, publish regulations in the D.C. Register, determine the appeals process, submit liens to Recorder of Deeds, and finalize the contract with the Child Support Lien Network. **Completion date: March 3, 2015.**

- **Performance Assessment Key: Partially Achieved.** The regulation governing the program was published in the *D.C. Register* first; a Notice of Proposed Rulemaking was published in the March 27, 2015 *D.C. Register*. Changes were made to the rule, and a second Notice of Proposed Rulemaking was published in the June 19, 2015 *D.C. Register*. The final rule was published in the August 7, 2015 *D.C. Register*. The rule outlines the actions CSSD will take to intercept insurance settlements to pay child support arrearages and what the rights and responsibilities of the non-custodial parents are. In addition, the Child Support Lien Network was engaged, the Recorder of Deeds was contacted so that liens could be uploaded once the program is launched, the policy was drafted, and the memorandum of understanding with the Office of Administrative Hearings was updated. Final steps before the program can be launched are finalizing the policy and updating CSSD’s automated system with new codes. The Wage Withholding Unit is reviewing the policy and will provide feedback by the end of December, 2015. The information technology manager will determine when to install the updated action codes into CSSD’s automated system by January 31, 2016.



INITIATIVE 1.2: Partner with the Economic Security Administration to streamline child support information gathering process for TANF recipients.

CSSD partners closely with the Economic Security Administration (ESA), the agency that administers the Temporary Assistance to Needy Families (TANF) program. As a condition of receiving TANF benefits, the applicant must agree to cooperate with the child support agency in establishing paternity and a child support order. Part of this cooperation is providing pertinent information during the TANF application process including but not limited to the location of the non-custodial parent. Often CSSD cannot proceed in child support cases without this critical information that only the TANF applicant can provide. As part of this initiative, CSSD will work with ESA to streamline the information gathering process for TANF recipients and ensure that everything needed to process the child support case is collected. CSSD and ESA will work together to add missing questions to the paper and online applications. As a result of this initiative CSSD hopes to obtain accurate information in a timely manner and improve the experience for the customer. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** This initiative was fully achieved in FY 2015. Child support questions are now included as part of ESA’s streamlined combined application. The agencies are working together to ensure the child support portion of the application is correctly filled out and the information is transmitted to CSSD. Additional training to ESA staff will be needed in Fiscal Year 2016 along with careful monitoring of the process.

INITIATIVE 1.3: Child Support Services Division will host a “Fatherhood and Family Strengthening” conference.

CSSD will coordinate with local sister agencies, local community based organizations, and fatherhood organizations to host a “Fatherhood and Family Strengthening” conference. These organizations will provide education for fathers on their legal rights and responsibilities as well as provide information on services that will assist families in becoming more self-sufficient. CSSD will also offer free genetic testing for those in attendance with children born and residing in the District of Columbia. CSSD will make this event both fun and educational for families. This event will assist the agency in improving communication and cooperation with non-custodial parents and will ultimately improve paternity, child support, and medical support orders for the children in the District of Columbia. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Not Achieved.** CSSD was unable to achieve this initiative due to logistical requirements associated with securing a venue, procurement efforts, initiating memoranda of understanding, and multi-agency coordination. In an effort to effectuate best practices, this type of initiative is most effective when executed in the spring or summer months. However, in August 2015, CSSD had robust Child Support Awareness Month events, promoting education to customers throughout the community, including fathers.



KEY PERFORMANCE INDICATORS— Child Support Services Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
●		Number of non-custodial parents enrolled in employment services program	55	60		119	198%	Child Support Services
●		Number of parents newly registered to access their online payment histories	508	1625		1,896	116.6%	Child Support Services
●		Number of child support orders established.	814	1900		2,159	113.6%	Child Support Services

Civil Litigation Division

OBJECTIVE 1: Defend the District of Columbia, its agencies, and employees in civil actions.

Initiative 1.1: Implement a new protocol for case assignments.

During FY 2015, the Civil Litigation Division (CLD) will implement a new protocol for case assignments that identifies specific case related tasks to be performed by Section Chiefs, Assistant Attorneys General and CLD paralegals. The initiative is designed to ensure clear lines of responsibility in order to handle the District’s litigation more effectively and efficiently. The new assignment system will be overseen by the Section Chiefs under the supervision of the Deputy and Assistant Deputy. The new assignment system also will provide for feedback on the assigned tasks to encourage better communication among all case team members to ensure the successful defense of the District, its agencies and employees in CLD litigation. This Initiative will be successful if, during each quarter, 80% of the CLD cases open in that quarter, which are not resolved by motions to dismiss, have been included in the new case assignment protocol. **Completion date: September 30, 2015.**



Performance Assessment Key: Partially Achieved. The Assistant Deputy of the Civil Litigation Division (CLD) chaired a working group of chiefs, trial attorneys, and paralegals to review and develop uniform case assignment procedures and related litigation support tasks as cases progressed from the answer stage to trial. The committee developed, and the division issued, a formal protocol that governs the case assignment tasks for the litigation teams on a case. The team includes the section chief, line attorney, and paralegal. The policy focuses on core tasks for litigation support, including but not limited to issuance of litigation hold letters; requesting, if applicable, the 12-309 notice files from the Office of Risk Management (ORM); and discovery. The policy sets forth procedures under which the chief and trial attorney would remain responsible for both the finished product of a litigation task and assessing the quality of litigation support provided by the paralegal to the trial attorney in a case. The policy also sets forth a process in which assignments provided by the trial counsel on a case would be reviewed by the trial counsel and section chief to determine whether there were any issues with litigation support within the trial team. The policy has been issued to the entire division. However, the performance assessment is graded as “partially achieved” because the policy was implemented inconsistently in different sections of the division.

Initiative 1.2: Implement creation of a database for collection of sample verdict forms and jury instructions in the Superior Court and the District Court for the District of Columbia.

During FY 2015, the Civil Litigation Division (CLD) will implement the creation of a database that includes verdict forms used in CLD cases and jury instructions frequently used in its cases. The database will be coded by issue and searchable. This initiative will improve the ability of CLD attorneys to construct appropriate verdict forms and to prepare appropriate jury instructions that previously may have been approved or used by a court on the same issues. The initiative will be successful if, during each quarter of FY 2015, 60% of CLD’s verdict forms and jury instructions used in that quarter and selected for inclusion have been added to the database. **Completion date: September 30, 2015.**

Performance Assessment Key: Partially Achieved. CLD created a database that will allow jury instructions and verdict forms in cases. However, because of the risk of error in trial counsel using the forms without regard to a judge’s instruction or the facts of the case, we decided that the database option was not appropriate. Although samples are available for simple reference, we decided that trial counsel should go through the exercise in each case of drafting separate verdict forms and jury instructions for each case. Standard jury instructions are available electronically to staff on OAG’s shared drive.

Initiative 1.3: Implement a policy for uniform and consistent court filings.

During FY 2015, the Civil Litigation Division (CLD) will implement a policy for uniformity and consistency of all CLD judicial filings including case citations, grammar, word usage and adherence to court rules, ethics standards and office policy relating to court filings. This initiative will assist CLD attorneys and paralegals in preparing and submitting polished, professional and persuasive judicial filings that serve the interests of the District, its agencies and employees. The initiative will be successful if, during the first quarter of 2015, CLD creates and circulates to attorneys and paralegals a manual for judicial filings, and obtains a



signed acknowledgement form of receipt and review of the manual by 90% of attorneys and paralegals by the final quarter. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** In December 2014, the Assistant Deputy for CLD finalized the Civil Litigation Division’s style manual. The prior Attorney General approved the manual for use in CLD. This manual establishes the policy of the division for briefing, case citations, grammar, word usage, and adherence to court requirements for filings, office policies and ethics requirements. This manual was distributed by e-mail to all staff (100% distribution) and has been posted on the division’s shared drive. Because of the electronic distribution and posting on a shared drive, we decided that it was impractical to distribute hard copies of the lengthy manual and obtain signed receipts from staff.

KEY PERFORMANCE INDICATORS– Civil Litigation Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
		Number of civil litigation closed cases	446	375		499	133%	Litigation

Commercial Division

OBJECTIVE 1: Provide legal advice and litigation support in the areas of tax collection, real property and other commercial transactions, economic development, and municipal finance.

INITIATIVE 1.1: The Commercial Division will institute practices to condense pre-trial negotiations, and other discovery to timely inform client-agency Office of Tax and Revenue of the particulars of a case scheduled for trial.

During FY 2015, the Commercial Division will require real property tax assessment Petitioners to respond within 30 days to a District offer to resolve a pending matter or, immediately upon the expiration of the 30-day period within which a response to a District offer is due, agree to specific dates to prepare the case for trial. Also, following each court order that schedules a case for trial, the Commercial Division will systematically complete a Rule 34 property site inspection, Rule 30(b)(6) depositions, and other discovery in order to apprise client-agency Office of Tax & Revenue of the particulars of each case that is schedule for trial. This initiative



would be considered successful if within 60 days of a case's court-ordered mediation session more than 80% of all such cases are either resolved in principle or scheduled for trial.

Completion date: September 30, 2015.



Performance Assessment Key: Fully Achieved. Prior to the September 30 deadline, the Tax and Finance Section fully achieved its goal to require Petitioners to respond within 30 days to a District offer to resolve each pending matter and either resolved-in-principle each such case or, within 60 days of the respective case's court-ordered mediation session, scheduled such case for Rule 34 property site inspection, Rule 30(b)(6) depositions, and other discovery in preparation for trial.

INITIATIVE 1.2: The Commercial Division will complete its review of the Office of Planning's final revisions to Zoning Regulations.

During FY 2015 the Commercial Division will complete review of the final revisions to Zoning Regulations in order to permit the Zoning Commission to take proposed action to adopt a new Title 11 DCMR. **Completion date: September 30, 2015.**



Performance Assessment Key: Fully Achieved. Prior to the September 30 deadline, the Land Use and Public Works Section reviewed the proposed revisions to the Zoning Regulations, provided extensive comments to the Office of Planning and the Office of Zoning, and responded to all requests for legal guidance. The Zoning Commission took proposed action to adopt the new text on December 11, 2014, which is the deadline it established for that action to be considered.

INITIATIVE 1.3: The Commercial Division will facilitate at least three bankruptcy training sessions for those client agencies with the largest number of bankruptcy issues.

During FY 2015, the Commercial Division will facilitate at least three bankruptcy training sessions at client agency headquarters – one for the Office of Tax & Revenue, one for the Department of Employment Services, and one for the Department of Consumer & Regulatory Affairs. As time and resources permit, additional training sessions may be provided for other client agencies with bankruptcy-related issues.

Completion Date: September 30, 2015.



Performance Assessment Key: Partially Achieved. Due to the press of bankruptcy court filings and other Section matters, the Land Acquisition and Bankruptcy Section was able to present only one client agency training session at the client agency headquarters; another training session was facilitated at OAG headquarters at which numerous client agency attorneys were in attendance.



KEY PERFORMANCE INDICATORS— Commercial Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
●		% of Legal Sufficiency reviews performed by Land Use and Public Works Section completed timely	82.69%	89%		59.8%	67%	Commercial Division
●		% of Real Estate Transactions Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days	97.77%	96.25%		96%	99.7%	Commercial Division
●		% of litigation success by the Land Acquisition and Bankruptcy Section	96.43%	96%		93.5%	97.4%	Commercial Division
●		% of Procurement Section non-emergency procurement reviews completed within 60 days	95.45%	96%		93.5%	97.4%	Commercial Division



Family Services Division

OBJECTIVE 1: Reduce the risk of harm and protect the rights of: children at risk for abuse and neglect; domestic violence victims; and incapacitated adults who are being abused or who are self-neglecting.

INITIATIVE 1.1: Expand awareness of the Ervin Act and the civil commitment process for individuals with mental illness.

The Family Services Division Mental Health Section will begin an initiative to expand awareness within the Family Services Division regarding the Ervin Act and the civil commitment process, for individuals who are receiving services in another section, and are in need of mental health services. The objective is to foster collaboration within the Division when questions and/or issues arise in a domestic violence (DV) or a Child and Family Services Agency (CFSA) case, regarding the Ervin Act, and those individuals who may be in need of mental health treatment/services. Specifically addressing best legal practice to transition and connect the individuals in DV or CFSA's care, that are in need of mental health services, whether or not those services are administered voluntarily or involuntarily, to the appropriate Department of Behavioral Health facility. The Mental Health Section will hold educational trainings for other Family Services sections, and the section will continue to hold trainings/forums for community based organizations, area hospitals, and the VA, in order to educate the organization's staff, and the public on the Ervin Act, the civil commitment process, and how to obtain mental health treatment for individuals who may want voluntary treatment, as well as those individuals that refuse such treatment and may be at risk of injury to self or others due to their mental illness. **Completion Date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** The Family Services Division's Mental Health Section (MHS) conducted trainings for OAG sections on the Ervin Act and the civil commitment process for individuals who are receiving services in another section, and are in need of mental health services. MHS has also collaborated with the DV and Child Protection Sections on cases, and exchanged information and obtained and shared witnesses to litigate mental health, domestic violence, and child protection cases. In addition to conducting educational trainings for other Family Services sections, the section conducted trainings/forums for community-based organizations, at an Advisory Neighborhood Commission (ANC) meeting, at a church, at a community center in Barry Farm, at area hospitals, and for the Veterans Administration. The trainings helped educate these organizations' staff member as well as the public on the Ervin Act, the civil commitment process, and how to obtain mental health treatment for individuals who may want voluntary treatment as well as those individuals who refuse such treatment and may be at risk of injury to self or others due to their mental illness. MHS also served on the panel for a guardianship forum sponsored by the Office on Aging.

INITIATIVE 1.2: Increase awareness of Community Papering Process and provide training.

During FY 2015, the Family Services Division's Child Protection Section (CPS) will collaborate with the DC Child and Family Services Agency's (CFSA) to reduce the number of children placed in foster care by increasing awareness and training on the community papering



process. Community papering allows CFSA to initiate court proceedings for abuse and neglect cases while allowing the child(ren) to remain in the home with their parent/caretaker. This process prevents placement of children in foster care while allowing court intervention and oversight to resolve abuse and neglect issues. The initiative will be considered successful upon CPS achieving a 10% increase in community papering cases. **Completion Date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** In FY14, CPS assisted with petitioning 48 community papering cases. In FY15, CPS assisted with petitioning 72 community papering cases. This was an increase of 50%.

INITIATIVE 1.3: Expand enforcement of technical provisions of civil protection orders to combat recidivism.

During FY 2015, the Family Services Division’s Domestic Violence Section will work in cooperation with D.C. Superior Court, the Court Services and Offenders Supervision Agency, and the United States Attorney’s Office to expand vigorous enforcement of the “technical” provisions of civil protection orders in domestic violence, sexual assault, and stalking cases, that require offenders to enroll in and complete various programs to reduce the possibility of recidivism. In order for this initiative to be successful, the Domestic Violence Section will monitor all orders to show cause for offender compliance and pursue prosecution in 100% of cases in which offenders fail to complete the required programs.

Completion Date: September 30, 2015.

- **Performance Assessment Key: Fully Achieved.** The Domestic Violence Section accomplished this initiative by receiving all orders to show cause from the court and pursuing prosecution in all cases in which the respondent failed to come into compliance to the court’s satisfaction.

KEY PERFORMANCE INDICATORS— Family Services Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
●		% of favorable resolution in all cases which reach adjudication in the division.	95.21%	96%		94.75%	98%	Family Services Division
●		% of children whose first permanency	95.96%	93%		92.5%	99%	Family Services Division



	hearing is held within 12 months of the child's entry into foster care.							
●	% of cases filed for termination of parental right by the Child Protection Sections within 45 days of the child's goal becoming adoption.	100%	92.5%		95%	103%	Family Services Division	

Legal Counsel Division

OBJECTIVE 1: Provide legal research and advice for the Executive Office of the Mayor, Office of the Attorney General, client agencies, and occasionally the Council of the District of Columbia.

INITIATIVE 1.1: Improve government efficiency and responsiveness by providing training to attorneys directly involved with legislative drafting.

Without proper training, drafting legislation can be difficult to accomplish correctly in a timely manner. In FY 2015 the Legal Counsel Division will use its significant expertise and experience in drafting legislation to conduct at least two agency-wide training sessions on legislative drafting. These sessions will examine the mechanics of legislative drafting, the process for obtaining appropriate review and approval of draft legislation, and the process for enacting legislation. The training will address the different types of legislation and the various purpose of each one. The sessions will also explain the most significant issues and most common errors in legislative drafting. This initiative will be considered successful if, by the end of the fiscal year, 40 attorneys have completed the training. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** During FY 2015, an attorney from the Legal Counsel Division conducted two training sessions on drafting legislation for the Office of Attorney General and agency counsel. The openings for the training session filled immediately, and the attorney leading the training was asked to offer a second session to accommodate the interest in the training. The training lasted three hours and included an overview of how legislation is enacted, where authority for legislation can be found, the nuts and bolts of how to draft legislation that is free standing or that amends existing laws, and significant legal issues or concerns regarding drafting legislation.



INITIATIVE 1.2: Issue quarterly briefing papers to agency general counsel and representatives of the Executive Office of the Mayor on recurring or topical legal issues.

Certain issues arise regularly in legislation and rulemaking proposals submitted to the Legal Counsel Division for review, *e.g.*, whether a law or rulemaking can apply retroactively. Other issues arise because attorneys outside of the Legal Counsel Division are not familiar with certain laws and their application to the District (*e.g.*, under the Anti-Deficiency Act, the District may not indemnify other parties unless Congress has provided special authority to do so). In addition, there are current legal topics that may be important or of interest to others in government (*e.g.*, the application of various federal privacy laws to the District government). In FY 2015 the Legal Counsel Division will issue four brief (generally two-page) memoranda addressing legal issues of interest to lawyers in the District government and their clients. This initiative will be considered successful if, by the end of the fiscal year, four memoranda are prepared and distributed. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** The Legal Counsel Division has provided numerous memoranda to District government agencies, the Executive Office of the Mayor, and the Mayor's Office of Legal Counsel on a wide variety of legal issues, including topics listed in the initiative, *e.g.*, the Anti-Deficiency Act and retroactivity of laws and regulations. In addition, the Legal Counsel Division has offered formal and informal training and informal legal advice to agency counsel on a number of topics of interest to lawyers in the District government and their clients. The Legal Counsel Division fully achieved this initiative.

INITIATIVE 1.3: Assist in the implementation of revised Certified Business Enterprise laws and regulations.

Legislation to improve employment opportunities for District residents by revising and modernizing the District's Certified Business Enterprise laws has been enacted and awaits fiscal impact certification. The Legal Counsel Division will support this effort by providing drafting and research assistance for the comprehensive implementing regulations that will be needed for this new legislation. The Legal Counsel Division will also provide expedited review for any emergency or proposed rulemakings that the new legislation requires. This initiative will be considered successful when all of the first year statutory requirements that can be implemented by rulemaking are completed. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Fully achieved.** In the summer of 2013, a Mayoral task force prepared a series of recommended revisions to District law concerning certified business enterprise. The Legal Counsel Division converted those proposals into legislative form, the Council adopted them with some modifications, and the legislation – the Small and Certified Business Enterprise Development and Assistance Act of 2014 – became applicable on October 1, 2014. During this fiscal year, the Legal Counsel Division provided legal advice, along with needed drafting assistance, as agencies worked to implement the new law. We reviewed a rulemaking designed to conform existing regulations to both the new law and the Procurement Practices Reform Act of 2010. In addition, the Legal Counsel Division reviewed three distinct pieces of legislation designed to fine-tune the new law, including a Budget



Support Act provision to expand access to the Department of Small and Local Business Development Micro Loan Fund.

KEY PERFORMANCE INDICATORS – Legal Counsel Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
●		Number of rulemaking projects completed for client agencies.	30	40		40	100%	Legal Counsel Division
●		% written assignments completed by deadline given by client agency, or 30 days if no deadline given.	99.45%	99%		99%	100%	Legal Counsel Division
●		# of ANC legal questions addressed	14	16		46	287.5%	Legal Counsel Division

Office of the Solicitor General

OBJECTIVE 1: Provide affirmative and defensive appellate litigation services for the District of Columbia government.

INITIATIVE 1.1: Providing Moot Court Capacity for Trial Divisions.

The Office of the Solicitor General includes many highly experienced and skilled attorneys who are used to rigorous moot courts. Their experience and skill make them natural candidates for providing moot courts for attorneys from the greater Office of the Attorney General when important trial court arguments approach. Office of the Solicitor General managers will alert trial-division managers to the availability of our attorneys to help with moot courts, both in matters directly related to appellate litigation and in matters only indirectly related. Doing so will lead to improved performance by all attorneys, and help the Office of the Solicitor General by promoting good trial work, which makes decisions easier to defend on appeal, and thereby increase our %age of favorable resolution in defensive appeals cases. The initiative



will be successful if Office of the Solicitor General attorneys participate in at least five trial court moot courts within the measurement period. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Partially Achieved.** Although Office of the Solicitor General (OSG) attorneys did not participate in the number of moot courts for trial courts that was hoped, that was largely because of factors that OSG cannot control: the number of trial division moot courts was lower than expected, and so the number of requests for attorneys to participate in such moot courts was lower than expected. Thus, instead of assisting trial division attorneys specifically through moot courts, OSG attorneys did so through many other means, including numerous instances when OSG attorneys sat down directly with trial-division attorneys to prepare them for court appearances without the formal trappings of moot courts.

INITIATIVE 1.2: Building Legislative History Database.

Attorneys in the Office of the Solicitor General and elsewhere in the Office of the Attorney General frequently have need of legislative history for key statutes, but there is no central computer file that has it compiled. Building such a file, and making it accessible for us on a shared drive, should make our work more efficient, and thereby increase our %age of favorable resolution in defensive appeals cases. The initiative will be successful if the database has legislative history for at least eight different statutory schemes by the end of the measurement period.

Completion date: September 30, 2015.

- **Performance Assessment Key: Fully Achieved.** OSG's shared drive has legislative history on well more than the goal of eight legislative history folders. Quick access to the legislative history of important acts like the Home Rule Act and the Administrative Procedure Act has proven very useful in many cases.







INITIATIVE 1.3: Bi-Yearly All-Hands Meeting.

Attorneys in the Office of the Solicitor General typically work on projects one-on-one with their supervisors, and there are not a lot of opportunities to get together as an office. Our attorneys should meet as a whole group in the fall and spring to bring everyone up to date on major projects in the office, new hires/departures (especially Ruff Fellows), training opportunities, etc. Sharing knowledge should make our work more efficient, and thereby increase our %age of favorable resolution in defensive appeals cases. The initiative will be successful if Office of the Solicitor General holds two all-hands meetings within the measurement period. **Completion date: September 30, 2015.**

- **Performance Assessment Key: Fully Achieved.** OSG met as a whole more frequently than the bi-yearly goal.



KEY PERFORMANCE INDICATORS — Office of the Solicitor General


   	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
		% of favorable resolution in defensive appeals cases.	88.53%	92.6%		91.5%	98.81%	Solicitor General Division
		% of regular calendar arguments in which a moot court was held.	100%	100%		100%	100%	Legal Counsel Division

Personnel, Labor and Employment Division

OBJECTIVE 1: Defend District agencies in personnel-related matters.

INITIATIVE 1.1: Reduce Administrative Litigation.


Before an agency may issue a final decision on employee terminations, agency heads must receive a recommendation from a neutral hearing officer, if requested by the employee. To ensure that hearing officers are fully aware of their responsibilities and reduce administrative litigation, the Personnel, Labor and Employment Division (PLED) will conduct at least two hearing officer trainings for agencies. **Completion date: September 30, 2015.**

-  **Performance Assessment Key: Fully Achieved.** PLED met this goal by conducting one-on-one hearing officer training for the General Counsel of several agencies.

OBJECTIVE 2: Hire and retain a highly qualified workforce of attorneys and legal support staff.

INITIATIVE 2.1: Enhance Employee Morale.

High employee morale is important for any organization, not only to increase retention, but also for productivity and recruitment. To enhance employee morale, PLED will conduct at least two office wide events aimed at improving morale. **Completion date: September 30, 2015.**

-  **Performance Assessment Key: Fully Achieved.** The Personnel, Labor and Employment Division (PLED) fully met this goal by assisting with the planning, organization and



implementation of OAG's Bring Your Daughters and Sons to Work Day on April 23, 2015. It was a fun day for both employees and children who participated. Both OAG unions (the American Federation of Government Employees and American Federation of State, County and Municipal Employees) sponsored the event with management, ensuring sufficient employee participation to provide interesting and interactive events for the children so they learned about what OAG does. Also, both unions eagerly participated and sponsored food and beverages, which both made the unions vested in a successful program and allowed OAG to have a more organized and unifying event. PLED also focused on improving the morale of our field investigators who expressed concern regarding safety in the field. After an all hands investigator meeting, with the approval of the front office, PLED heeded the investigators' concerns and assisted management with communicating clear written policy/standard operating procedures for field safety. PLED also coordinated a program with and brought a vendor in-house to conduct specific training requested by the investigators, Verbal Judo. PLED not only received positive feedback, it also received reports that the session was the most useful event the investigators have attended in their OAG tenure.

INITIATIVE 2.2: Inclusion and Building Partnerships.

In addition to high employee morale, professional development of both administrative and professional staff is important for retention, productivity and recruitment. It is also important that employees feel invested and included in their future development. OAG will partner with its two unions to conduct at least two events to enhance professional development.

Completion date: September 30, 2015.

● **Performance Assessment Key: Fully Achieved.** PLED fully met this goal by working with both unions to establish an office-wide training committee, which, after considering a training-needs survey, established five sub-committees. The sub-committees will design office-wide training, primarily using internal and *pro bono* experts, in the following areas: 1) child support, 2) litigation, 3) paralegal skills, 4) administrative support, and 5) specialized practices. The committee as a whole designed and offered training, which was specifically requested in employee small group discussions with OAG's new Chief of Staff. In light of the closure of D.C. Superior Court for its judicial conference on April 30 and May 1, training was provided on those days so that the majority of staff could attend. Topics were D.C. Court of Appeals legal case law updates, clear and concise writing for the administrative professional, and workplace safety.



KEY PERFORMANCE INDICATORS— Personnel, Labor and Employment Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
		Number of attorneys who left the agency.	NA	33		33	100%	Personnel Labor & Employment Division
		Number of interns assisting attorneys and staff on an annual basis	NA	250		200	80%	Personnel Labor & Employment Division
		Number of in-house training hours taken per legal FTE	NA	25		17.37	69.48%	Personnel Labor & Employment Division

Public Interest Division

OBJECTIVE 1: Provide legal services and advice for complex and public interest litigation.

INITIATIVE 1.1: Increase enforcement actions and collection efforts by recruiting Pro Bono assistance.

To support its mission to protect the public and collect monies owed the District of Columbia, the Civil Enforcement Section (CES) will recruit volunteer attorney and/or paralegal support to assist the section in its mission. The number of enforcement cases initiated and resolved by the Section has a direct impact on its public protection and collection efforts, and recruiting volunteer assistance will enable the Section to handle more cases. CES intends to accomplish this initiative by collaborating with OAG's Director of Hiring and Recruitment to enlist the services of both pro bono attorneys and/or paralegals. This initiative will be considered successful if the CES enlists at least one volunteer attorney and/or paralegal. **Completion date: September 30, 2015.**

Performance Assessment Key: Fully Achieved. The Civil Enforcement Section fully achieved this initiative. In FY 15, CES was able to recruit five pro bono attorneys to assist in the Section. These attorneys have been a considerable asset to the Section, as they have assisted with conducting legal research and drafting court filings, including complaints, motions, and notices. Additionally, the Section was able to secure the assistance of three interns during FY



15. The interns were very helpful to the Section as they were able to support both the Section's attorneys and paralegals by researching legal issues, drafting administrative charging notices, and performing ministerial tasks—such as scanning and copying documents and creating case files.

INITIATIVE 1.2: Facilitate interagency coordination and cooperation in fraud-related enforcement.

The Public Advocacy Section of the Public Interest Division, in collaboration with the Mayor's Task Force to Combat Fraud, will obtain single-point-of-contact access to federal, state, county, and District agencies that engage in fraud-related enforcement work affecting the Washington, D.C. area. Establishing these points of contact will facilitate efforts by OAG, the Department of Consumer and Regulatory Affairs (DCRA), and the Metropolitan Police Department (MPD) to make fraud-related referrals, to propose collaborative investigative and prosecutorial work, and to invite referrals of fraud matters to District enforcement agencies. Successful completion of this initiative will result in OAG, DCRA, and MPD obtaining single points of contact at 12 or more other federal, state, county, or District agencies. **Completion date: September 30, 2015.**

Performance Assessment Key: Fully Achieved. The Public Advocacy Section fully achieved this initiative by obtaining single-point-of-contact access to the following 12 federal, state, county, and District agencies that engage in fraud-related enforcement work affecting the District of Columbia: U.S. Department of Justice (consumer protection branch); U.S. Attorney's Office of the District of Columbia (Fraud & Public Corruption Section); Consumer Financial Protection Bureau (enforcement); Federal Trade Commission (debt collection); Maryland Attorney General's Office (Consumer Protection Division); Virginia Attorney General's Office (consumer protection); Montgomery County Office of Consumer Protection; D.C. Office of the Inspector General (Medicaid fraud); D.C. Office of Tax and Revenue (enforcement); D.C. Dept. of Housing and Community Development (general counsel's office); D.C. Dept. of Insurance, Securities and Banking (consumer services); and D.C. Dept. of Consumer and Regulatory Affairs (inspection and compliance).







INITIATIVE 1.3: Increase collaboration and exchange of information among attorneys and staff.

The Equity Section of the Public Interest Division includes many highly experienced and skilled attorneys. These attorneys therefore are well positioned to provide formal or informal training regarding substantive legal issues and litigation practices, both to other attorneys within the Equity Section and to attorneys within the larger Office of Attorney General. The Equity Section therefore will encourage attorneys to provide training, and thereby increase our %age of favorable resolutions. The initiative will be successful if the Equity Section provides at least three training sessions to attorneys within the Equity Section, or to other members of the Office of the Attorney General, within the measurement period. **Completion date: September 30, 2015.**



- **Performance Assessment Key: Fully Achieved.** The Equity Section fully achieved this initiative. During FY 2015, Equity attorneys provided four training sessions to attorneys and professional support staff. One attorney gave a short primer on the Rules of Evidence during an Equity Section meeting. Another attorney gave training on the D.C. Whistleblower Protection Act to the Office of Risk Management. A third attorney provided training called “Due Process in a Nutshell” for OAG attorneys and staff. And the Section Chief spoke about employment law to paralegals and attorneys in a training called “The Nuts and Bolts of Employment Discrimination: Title VII and D.C. Human Rights Act.”

KEY PERFORMANCE INDICATORS— Public Interest Division

   	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
		Dollar amount collected by the Public Advocacy Section excluding Tobacco Settlement	5,341,739.50	2,800,000		103,330,708	3690%	Public Interest Division
		Number of Closed Cases in the Equity Section	31	45		50	111%	Public Interest Division

Public Safety Division

OBJECTIVE 1: Enforce District laws and regulations by taking appropriate legal action on behalf of the District government.

INITIATIVE 1.1: Successfully resolve Consumption of Marijuana in a Public Space cases and/or Public Impairment by Marijuana cases utilizing the newly established Marijuana Possession Decriminalization Amendment Act of 2014.

During this fiscal year, the Criminal Section will initiate prosecutions under the new Marijuana Possession Decriminalization Amendment Act of 2014. The purpose of this initiative is to further the goal of protecting the quality of life for District citizens through successful prosecutions of Consumption of Marijuana in a Public Space and or Public Impairment by Marijuana. This initiative will be considered successful if, by the end of FY 15, the Criminal



Section successfully resolves 90% of the cases charged under this new law. **Completion date: September 30, 2015.**

● **Performance Assessment Key: Fully Achieved.** The division received 114 total cases of consumption and/or impairment of marijuana. Of those 114 cases, only nine remain open as of October 1, 2015. This is a closure/resolution rate of 92%. The cases were resolved in a number of ways, as set forth below. Although a number of cases were “no papered,” these were the result of sound prosecutorial decisions, which included a review of 1) the strength and/or constitutionality of the arrest and prosecution; 2) the availability of evidence to support a successful prosecution; 3) other more serious charges present in the case; 4) the potential for a prevention-based outcome with a diversion or treatment requirement for the defendant; and 5) other sound prosecutorial decision-making options.

INITIATIVE 1.2: Attorneys speak at community meetings.

During this fiscal year, the attorneys in the Neighborhood and Victim Services Section will speak at D.C. community meetings, usually at Patrol Service Area meetings or meetings called by an Advisory Neighborhood Commission (ANC). The purpose of this initiative is to educate the public on what the Neighborhood and Victim Services Section (NVS) does to help their neighborhoods and to gather information regarding nuisance properties from the community and ultimately assist with abating those nuisance properties. Successful completion of the initiative will be attending at least 15 meetings during FY 2015. **Completion date: September 30, 2015.**

● **Performance Assessment Key: Fully Achieved.** The Public Safety Division (PSD) was overwhelmingly successful in this regard and attended 167 community meetings, averaging almost 14 meetings per month. They attended meetings or conferences with a number of constituent groups, including 1) meetings with ANC Commissioners for various PSAs in the city; 2) Ward-specific crime prevention meetings; 3) citizen advisory councils; 4) legislative hearings; 5) MPD Police District meetings; 6) school conferences; 7) training sessions for law enforcement and community leaders; and 8) other neighborhood-specific meetings. For example, during a one month period (September 2015), the five attorneys in the NVS Section attended 19 meetings.

INITIATIVE 1.3: Review at least 30 truancy cases per month pursuant to the new truancy law.

During this fiscal year, a third truancy attorney in the Juvenile Section will assist the Office of the Attorney General in meeting the requirements of the new truancy legislation. The attorney will review at least 30 cases per month. This initiative will be considered successful if, by the end of FY 15, the Juvenile Section has an 80% compliance with the new law. **Completion date: September 30, 2015.**

● **Performance Assessment Key: Fully Achieved.** In FY 2015, PSD set out to “review at least 30 truancy cases per month pursuant to the new truancy law.” In order to accomplish this, a third truancy attorney was added who reviewed cases each month, represented OAG in court



on a number of these cases and worked to gain resources for appropriate youth charged with truancy in the Family Court’s Juvenile Behavioral Diversion Program. PSD also set as its benchmark for this Initiative an 80% compliance rate with the new law. PSD fully complied with the new law and reviewed over 1,600 truancy cases and almost 800 FSP cases for FY 2015.

KEY PERFORMANCE INDICATORS— Public Safety Division

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
		Number of nuisance property prosecutions	19	15		10	66.66%	Public Safety Division
		Juveniles referred for rehabilitation	89.93%	90		60%	66.66%	Public Safety Division
		Successful criminal cases per FTE	42.83	60		287	478%	Public Safety Division

WORKLOAD MEASURES – APPENDIX

WORKLOAD MEASURES

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
Number of summons serviced per FTE	135.7	137.7	213	Support Services Division
Number of closed Public School System Special Education cases	6.53	3.25	14.25	Civil Litigation Division



closed per attorney FTE				
Number of litigation successes by the Tax and Finance Section per FTE	26.6	13.5	35	Commercial Division
Successfully resolved criminal contempt motions handled by the Domestic Violence Section per FTE per quarter.	4.43	4.24	8.5	Family Services Division
Motions for summary disposition filed per FTE	8.6	5.6	6.08	Office of the Solicitor General
Number of in-house training hours taken per legal FTE	18.57	NA	17	Personnel Labor & Employment Division
Dollar amount collected by the Civil Enforcement Section per Attorney FTE	133,578.26	134,184.37	695,664.22	Public Interest Division
Successful criminal cases per FTE	38.76	NA	287	Public Interest Division